

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PATRICK GUIDICE in his fiduciary capacity as trustee for the
I.B.E.W. LOCAL 1049 CRAFT DIVISION ANNUITY FUND;
the I.B.E.W. LOCAL 1049 CRAFT DIVISION SKILL
IMPROVEMENT FUND; and as Business Manager of the
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS LOCAL UNION NO.1049,

ORDER

22-CV-02877-ST

Plaintiffs,

v.

OUT-LOOK SAFETY, LLC

Defendant.

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TISCIONE, United States Magistrate Judge:

Pursuant to Defendant's failure to respond to Plaintiffs' Motion for Judgment Based on Settlement, dated February 5, 2024, *see* ECF 39, this Court orders the Clerk of the Court to enter judgment against Defendant Out-Look Safety, LLC ("Out-Look") for the reasons described below.

On September 8, 2023, the parties entered into a Stipulation of Settlement ("Stipulation"). *See* ECF 27. Paragraph 3 of the Stipulation permits entry of judgment against Out-Look pursuant to the Confession of Judgment referenced therein.

Under Paragraph 3 of the Confession of Judgment, Defendant Out-Look stipulated to judgment and authorized entry thereof against Out-Look "in the amount of \$360,930.60, less any payments previously made on account of the said sum, which consists of \$249,295.50 in principal, plus \$71,998.12 in interest, \$4,360.00 in audit costs, and \$35,277.00 in attorney's fees incurred in enforcing the Stipulation of Settlement and/or this Confession of Judgment."¹ *See* ECF 31-3.²

¹ Note, this Court recognizes that the amounts quoted above total **\$360,930.62** instead of \$360,930.60. However, this Court will direct the entry of judgment in the amount that the parties stipulated to, which is \$360,930.60.

² For ease of reference, Paragraph 3 of the Confession of Judgment is found at ECF 31-3 pdf page 10.

Pursuant to the Stipulation, Defendant Out-Look agreed to make timely payments to Plaintiffs to satisfy the amount agreed to be due and owing as provided under Paragraph 2 of the Stipulation. However, Defendant Out-Look failed to submit the first payment in the amount of \$175,000.00 that was due to Plaintiffs on or before October 2, 2023.

To date, Defendant Out-Look has failed to cure their default or remit any payment to the Plaintiffs toward the amount set forth in the Stipulation.

Based upon the above, this Court GRANTS Plaintiff's Motion for Judgment Based on Settlement as unopposed. This Court therefore directs the Clerk of the Court to re-open this matter for the limited purpose of entering a judgment in favor of Plaintiffs against Defendant Out-Look in the amount of **\$360,930.60**. Additionally, pursuant to Paragraph 3 of the Stipulation, this Court further orders that the Clerk's Judgment award Plaintiffs "all additional accrued interest, costs and attorney's fees incurred enforcing this [Stipulation of Settlement] and/or the Confession of Judgment" as a result of Defendant Out-Look's default on the Stipulation and failure to cure that default.

SO ORDERED.

/s/ Steven Tiscione
Steven Tiscione
United States Magistrate Judge
Eastern District of New York

Dated: Central Islip, New York
June 11, 2024